

Remarks/Arguments:

Claims 1-15 and 19 are pending in the above-identified application and stand rejected. By the present Amendment, claims 1, 5, 7, 8 and 10-12 are amended and claims 6 and 9 are canceled. Claims 16-18 were previously canceled.

Claim Rejections under 35 U.S.C. §102(b)

Claims 1-2 and 4-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,614,732 to Nonaka et al. ("Nonaka"). It is respectfully submitted that Nonaka does not disclose all of the features of the claims.

In particular, Nonaka does not disclose all of the features of claim 1, for example:

a record medium holding . . . (2) a plurality of play list files storing respectively **a play list describing a reproduction order, in which one or more of the plurality of data files are to be played automatically.** . .

data reproducing means configured to reproduce the predetermined data stored by the plurality of data files respectively, **so that the data files are played in the reproduction order described by the selected play list file.** (Emphasis added.)

These features are described in the specification of the above-identified application, for example, at page 27, line 13 through page 29, line 13. No new matter has been added.

1. Nonaka does not disclose the features of claim 1 relating to "played automatically" and "played in the reproduction order."

The Office Action (mailed February 18, 2009) cites to col. 9, lines 36-45 of Nonaka as disclosing the features of claim 1 relating to "a play list describing a reproduction order" and to col. 9, lines 43-45 of Nonaka as disclosing the features of claim 1 relating to "data reproducing means configured to reproduce the predetermined data . . . by using the reproduction order." The Office Action, however, on page 9, Item 24 admits "that Nonaka does not disclose **automatically playing** all the songs in the order prescribed by the play list. However, the claimed subject matter does not clearly reflect such features." (Emphasis added.)

By the present Amendment, Applicants amend claim 1 to clarify the features relating to "a play list" and the "data reproducing means." As amended, claim 1 recites "a play list describing a reproduction order, **in which one or more of the plurality of data files are to be played automatically.**" (Emphasis added.) Further, claim 1 recites "data reproducing means configured to reproduce the predetermined data . . . , so that **the data files are played** in the reproduction order described by the selected play list file." (Emphasis added.) As admitted in the Office Action, Nonaka does not disclose **playing data files** in an order specified in a play list, nor does it disclose playing data files **automatically**. (See also Nonaka, Col. 10, lines 59-62.)

In view of the foregoing, Applicants respectfully submit that Nonaka does not disclose all of the features of claim 1. Withdrawal of the rejection of claim 1 and reconsideration and allowance of the claim are respectfully requested.

2. *Nonaka does not disclose the features of pending claims 2, 4, 5, 7, 8, and 10-15*

Claims 2 and 4 depend from claim 1 and therefore include all of the features of claim 1. Claims 5, 7, 8 and 10-12, while not identical to claim 1, include features similar to claim 1. Claim 13 depends from claim 10; claim 14 depends from claim 11; and claim 15 depends from claim 12. Claims 6 and 9 are canceled. Accordingly, pending claims 2, 4, 5, 7, 8, and 10-15 are also patentable over Nonaka for at least the reasons set forth above with respect to claim 1. Withdrawal of the rejections of claims 2, 4, 5, 7, 8, and 10-15 and favorable reconsideration and allowance of the claims are respectfully requested.

Rejection of Claim 3 under 35 U.S.C. 103(a)

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nonaka in view of U.S. Patent No. 6,118,450 to Proehl. Claim 3 depends from claim 1. The Office Action does not assert that the Proehl discloses or suggests the features relating to "a play list" and the "data reproducing means" that are missing from Nonaka, as discussed above. Thus, for at least the same reasons as discussed above with respect to claim 1, Applicants respectfully submit that Proehl does not disclose or suggest the features of claim 1 missing from Nonaka. Withdrawal of the rejection of claim 3 and favorable reconsideration and allowance of the claim are respectfully requested.

Rejection of Claim 19 under 35 U.S.C. 103(a)

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nonaka in view of iPod User's Guide (herein "the iPod manual"). Claim 19 depends from claim 2 which depends from claim 1. Accordingly, claim 19 includes all of the features of claim 1 discussed above. The Office Action does not assert that the iPod manual discloses or suggests the features of claim 1 relating to "a play list" and the "data reproducing means." Thus, for at least the same reasons as discussed above with respect to claim 1, Applicants respectfully submit that the iPod manual does not disclose or suggest the features of claim 1 missing from Nonaka.

With regard to claim 19, the Office Action does assert that pages 2 and 4 of the iPod manual disclose the features of the claim. Applicants observe that the Office Action does not consider the feature of "which are supported by the data reproducing means" recited in the claim. Accordingly, the rejection of claim 19 fails to set forth a *prima facie* case of obviousness of the claim.

Applicants also note that the iPod reference does not disclose or suggest that unsupported play lists are not displayed. Accordingly, the iPod manual is silent regarding "the play list file menu display means is configured to display only the play list file menu information concerning the play lists selectable through the play list file menus of lower layers, which are supported by the data reproducing means," as recited in claim 19.

Withdrawal of the rejection of claim 19 and favorable reconsideration and allowance of the claim are respectfully requested.


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Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully submit that the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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